

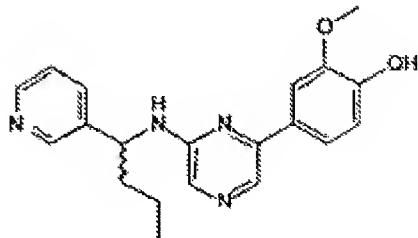
REMARKS

The claims have been amended according to the Preliminary Amendment originally submitted. The Examiner indicated that the Preliminary Amendment was not entered because the status of the claims was not indicated in parentheses; however, the Preliminary Amendment was submitted before this was required by the rules. In addition, the published application, US2007/0082894, shows the claims as amended by the Preliminary Amendment. The assertion of non-entry appears in consistent with this.

Nevertheless, the proposed claims are as originally intended when the application was submitted. Since the Examiner has indicated that the Preliminary Amendment has not been entered, despite the publication of the claims therein, the claim indicators reflect the Examiner's position. Also, the substituents have been numbered using superscripts.

As stated above, applicants elect the invention of Group I without traverse and understand that the claims of Groups II and III, now claims 11-13 and 15-17, may be rejoined upon allowance of the claims of Group I. (It is also unclear why Groups II and III are separate, since Group II includes methods of treating a hyperproliferation-related disease which is treatable by modulation of microtubule polymerization, and Group III is directed to a method of modulating microtubule polymerization. Nevertheless, this is no longer an issue).

Applicants hereby elect the species set forth on page 57 of the PCT pamphlet wherein in formula I, Y is H, R¹ is H, Q is CH, W is C₃ alkyl, A is pyridinyl, R² is OCH₃, R³ is OH, and R⁴ is H. This compound has the formula



Applicants understand that the election of the species is for searching purposes only.

All of these elections are made without traverse with the understanding that applicants do not concede lack-of-unity.

Examination on the merits is now requested.

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 415852000800.

Respectfully submitted,

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